

The rejection of claims 5-9 at item 10 of the patent Office Action indicates first that the nodes of claim 5 refer to nodes 10-60 of Figure 1 and column 4, lines 60-63 of Weis. From this rejection, it is clear that the transmitting of information signals from any "nodes" in Weis (10-60) is not indicated as having an hierarchical transmission sequence and furthermore, claims 5 and 9 require that the information signals are independent of any one of the nodes and that the starting transmission has a start up time which is solely a function of the hierarchical transmission sequence.

Column 7, lines 58 to column 8, line 25 discuss insertion of segments from the various stations (nodes) and indicate that the insertion must be at a time related to the variable v30 (for example) which is the propagation delay between the third station 30 and the central star coupler I. This means that the local operating network stations transmit their data at the correct time so that these data are present at the central star coupler I (column 8, lines 26-30). Thus, once again it is submitted that the transmission of information signals from the node does not involve starting transmission so that the information signals are "independent of any of the nodes" and does not involve the starting of the transmission at a start time, which is "solely a function of said hierarchical transmission sequence". The transmission based on propagation delay is not independent of the node and is not a hierarchical transmission sequence.

Claims 5-12 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 3 and 5 of co-pending application serial no. 10/114,316.

Applicants' respectfully traverse this rejection on the grounds that the allowed claims 1, 3 and 5 of co-pending application serial no. 10/114,316 do not recite transmitting signals with a hierarchical transmission sequence including starting transmission so that the information signal are independent of any one of the nodes and that the start is solely a function of the hierarchical transmission sequence.

The distinctions between claims 1, 3 and 5 and the claims of the present invention including independent claims 5 and 9 are not obvious variations of claims 1, 3 and 5 of the co pending application.

Therefore, Applicants respectfully request the allowance of this application containing claims 5-12.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.49160).

Respectfully submitted,

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